

REMARKS/ARGUMENTS

Claims 1-12, 14-17, 20-27, 29 and 33-42 are pending in the application. Claims 1-11, 20-27, 29, 33 and 35-42 were rejected in the Office Action. Claims 12, 14-17 and 34 were objected to. Claims 1, 4, 12, 20 and 34 were amended and new claims 50-105 were added. Claims 13, 18-19, 28, 30-32, 43-49 were previously cancelled. No new matter has been added. Re-examination and reconsideration of the pending claims as amended are respectfully requested.

Claim rejections - 35 U.S.C. § 102

Claims 1-11, 20-27, 29, 33 and 35-42 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,807,398 to Shaknovich (hereinafter referred to as Shaknovich). Such rejections are overcome for the following reasons.

Independent claim 1 has been amended to recite in part a deployment mechanism coupled to the catheter body adapted to apply a radially outward force along a selected length of the stenting structure to deploy a portion of the stenting structure having the selected length at one time, wherein the deployed portion having the selected length is released into the vessel in the expanded configuration while a remaining portion of the stenting structure unconnected to the deployed portion remains releasably held by the catheter body in the unexpanded configuration and wherein the deployment mechanism is coupled to an actuator at the proximal end of the catheter body which allows the selected length that is expanded at one time to be varied from less than the total length up to substantially all of the total length while the catheter is positioned in the vessel. Shaknovich fails to disclose all of the limitations of amended claim 1.

Shaknovich describes a stent delivery shuttle system having one or more stents disposed on an expandable deployment segment (Abstract, Figs. 5 and 9). Shaknovich discloses one embodiment having a single stent releasably held by the catheter body, however, the entire stent is deployed and therefore Shaknovich fails to disclose a deployed portion having the selected length released into the vessel in the expanded configuration while a remaining portion of the stenting structure remains unconnected thereto and remains releasably held by the catheter

body in the unexpanded configuration, as required by claim 1. Shakhovich also discloses embodiments with two or more stents (e.g. Fig. 9), however, the stents are disposed at spaced apart locations along a shuttle which is positionable over a balloon catheter. Each stent is disposed over an expandable portion of the shuttle flanked by regions that do not expand or expand to a lesser degree as the stent-bearing expandable portion (col. 5, line 65 - col. 6, line 1; col. 7, lines 12-14). Therefore, only a single stent can be deployed at a time. The shuttle must be repositioned relative to the underlying balloon to deploy an additional stent and thus Shakhovich cannot deploy up to substantially all of the total length of the stents at one time as required by claim 1. Shakhovich therefore fails to disclose that the deployment mechanism is coupled to an actuator at the proximal end of the catheter body which allows the selected length which is expanded at one time to be varied from less than the total length up to substantially all of the total length while the catheter is positioned in the vessel.

Because Shakhovich fails to disclose each and every element of claim 1, anticipation under 35 U.S.C. § 102(b) cannot be established. Applicants therefore respectfully request withdrawal of the 35 U.S.C. § 102(b) rejection and allowance of claim 1 and the dependent claims which depend therefrom.

Independent claim 20 has similarly been amended and therefore for the same reasons discuss above, Applicants respectfully request withdrawal of the 35 U.S.C. § 102(b) rejection and allowance of independent claim 20 and the claims which depend therefrom.

Allowable subject Matter

Claims 12, 14-17 and 34 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Claim 12 has been rewritten in independent form to include the limitations of independent base claim 1 and therefore is allowable. Claims 14-17 are dependent on claim 12 and therefore are also allowable. Claim 34 has been rewritten in independent form including the limitations of independent claim 20 and intervening claim 33 and therefore is allowable.

New claims

New claims 50-105 have been added. Support for these claims may be found throughout the originally filed disclosure and dependent claims, therefore no new matter has been added. Claims 50-105 are believed to be patentable over the cited references for the following reasons.

Claims 50-53 depend from claim 1 which has been distinguished from Shaknovich as discussed above. Claims 54-72 depend from claim 12 which is allowable as discussed above. Claims 73-81 depend from claim 20 which has been distinguished from Shaknovich as discussed *supra*. Claims 82-105 depend from claim 34 which is allowable as discussed above.

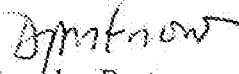
CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. Additionally, a Supplemental IDS has been submitted for consideration by the Examiner during prosecution of this application.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

Jeffry J. Grainger
Reg. No. 36,815

By: 
Douglas Portnow
Reg. No. 59,660

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415-576-0300
Attachments
D3P:jke
61017819 v1